

LAW ENFORCEMENT OFFICERS
STANDARDS AND TRAINING COMMISSION
MICKELSON CRIMINAL JUSTICE CENTER
Commission Conference Room
Pierre, SD
March 28, 2019

The South Dakota Law Enforcement Officers Standards and Training Commission meeting was called to order by Chairman Natvig at the hour of 9:00 a.m. CDT on March 28, 2019, in the Commission Conference Room of the George Mickelson Criminal Justice Center in Pierre, South Dakota.

Roll call was taken with the following members responding: Tom Wollman, Lincoln County State's Attorney; Jason Ravensborg, Attorney General; Robert Perry, Special Agent, FBI; Jo Vitek, Lake Area Technical Institute; Steve Allender, Rapid City Mayor; and Andy Howe, Clay County Sheriff. Others present included David Natvig, Chairman; Chad Mosteller, Executive Secretary; Kim Knecht, Assistant Training Administrator; and Law Enforcement Training Staff. Commission Members Randall Rosenau, Lawrence County Commissioner; Matt Burns, Sioux Falls Chief of Police; and Craig Price, Department of Public Safety, were absent.

In accordance with SDCL 1-25(1), official meetings open to the public, time was allowed by Chairman Natvig for public comments on the agenda items.

Jason Jares, Pierre, addressed members during the public comment portion of the meeting to express his concerns on the commission protocol procedures reference handling officer misconducts. He stated that some officers appear before the commission and some do not. He indicated some officers may pay a high price for their misconduct and other officer misconducts may be internally investigated, brushed off, or ignored by their employing agencies because of politics or friendships with power of influence. He does not agree with this. He is concerned what procedures need to be addressed by the commission or legislature to hold each to a higher standard.

Chairman Natvig declared a quorum present and started the order of business with the review of the previous meeting's minutes.

- December 13, 2018 minutes of the South Dakota Law Enforcement Officers Standards and Training Commission were approved on a **motion** by Commission Member Wollman, **second** by Commission Member Ravensborg.

Grant requests were the first items of business:

Lt. Hunter Summers, **SD DOC Midwest Gang Investigators Association Dakota's Chapter**, has submitted a request to host an *MGIA Dakota's Chapter Gang Conference*. The Association is asking for funding in the amount of \$6,000.00 to cover the cost to bring the keynote speaker to the conference. The Midwest Gang Investigators Association is an organization representing 12 states throughout the Midwest. Their goal is to provide officers with the skills, training, and knowledge to enable them to protect their communities from the growing dangers associated with outlaw motorcycle gangs. The two-day presentation has a maximum number of 200 attendees. The speaker for the conference is Lt. Col. David Grossman. Grossman has been one of our nation's leading trainers for military, law enforcement, mental health providers, and school safety organizations. The conference will be held in Rapid City September 16-17, 2019. **Motion** by Commission Vitek to approve the Midwest Gang Investigators Association grant request, **second** by Commission Member Allender, motion **approved**.

The City of Yankton IT & Communications submitted a request to host a *Tactical Dispatch* training course. Funding is requested in the amount of \$8,000.00 to cover the cost of the instructor. The course will be held May 6 - 9, 2019, in Yankton. The 32-hour session has a maximum number of 24 attendees and a minimum of 15 attendees. The session instructor is Tamara Smith, Dispatch Training & Consulting of Patterson, California. The primary duty of a public safety dispatcher is to provide the vital link between the public and emergency responders to protect the citizens of our communities. This responsibility is even more crucial during periods of heightened responses: natural disasters, active-shooter or hostage incidents, terrorist attacks, pipeline or Hazmat events, or planned events that occur on a large scale. Currently, Clay County does not have any trained tactical staff. Excellent reviews were received on the last training held. **Motion** by Commission Member Perry to approve the IT & Communications grant with a minimum requirement of 15 attendees, **second** by Commission Member Ravensborg, motion **approved**.

The Meade County Sheriff's Office is requesting \$9,500.00 to host a *Field Training Officer* course. The 20-hour course will be in September or October and will be conducted in the Meade County Sheriff's Office training room. The minimum attendance limit is 20 students and the maximum attending limit is 30 students. The FTO course will be taught by the Institute of Police Technology and Management (IPTM). Agency department heads expressed that an FTO class would be more in line for them due to the fact they already had the program in use and it was more fiscally inline to keep the program in place versus retraining to the PTO program at this time. **Motion** by Commission Member Allender to approve the Meade County SO grant request, **second** by Commission Member Vitek. **Motion amended** by Commission Member Wollman to include with the approval of the requirement of a minimum of 20 attendees, **second** by Commission Member Ravensborg, motion **approved**.

A \$10,000.00 request to host a 40-hour *Crime Scene Operations* training course has been submitted by the Brookings Police Department. The course would be conducted by the University of Tennessee Law Enforcement Innovation Center. The training would accommodate up to 28 officers from across the State for a cost of \$10,509.00. If the grant is approved for the requested amount, the remainder of the cost (\$509.00) would be divided amongst the 28 students. This will be less than \$20.00 per student to register and will accommodate even the smallest training budget. The goal of this training is to give our investigators the tools to process crime scenes they respond to and make sure evidence is properly collected, identified, and preserved. A **motion** by Commission Member Vitek to approve the Crime Scene Operations grant request with a minimum of 24 attendees and a maximum of 28 attendees, **second** by Commission Member Perry, motion **approved**.

Business continued with the appearance of Sgt. Tony Bisbee and Gregory Brooks, Aberdeen Police Department. The Aberdeen Police Department is seeking reciprocity eligibility for Brooks. Brooks completed the 475-hour North Dakota Basic Academy in April 2018. He is in good standing with the ND POST Board and has had no action taken against his license. Brooks was employed with the Watford ND City Police Department and was terminated for cause. Brooks had submitted his two-week resignation notice to the Watford PD and four days prior to his resignation date Brooks was terminated for cause. Specifically, violations of City of Watford City handbook policies on employee conduct (insubordination) and Watford City PD manual of policies and procedures (insubordination and bringing discredit to the PD). Brooks actively undermined official directives regarding department policies and procedures and encouraged others not to follow them as well. Brooks applied to the Aberdeen Police Department in October and a background was conducted in November. Aside from job hopping, there were no issues. The police department reviewed information provided by the North Dakota Chief of Police (Watford PD) and Aberdeen did not share the opinion the Chief of Police had. Aberdeen did not agree with Watford on what was conducted or with the same instance with the Sidney Police Department. The Sidney Montana PD Chief of Police was irritated that Brooks was only employed for eight months. Aberdeen is aware of the issues. Brooks has completed six weeks of in-house training and half of the FTO training. Has received acceptable ratings and there have been

no issues. **Motion** made by Commission Member Ravnsborg to approve the eligibility and application for reciprocity, **second** by Commission Member Howe, motion **approved**.

Introductions were made of new Attorney General Ravnsborg and new commission member Andy Howe. Howe has been with Clay County for 31 years, 16 years as Clay County Sheriff.

The commission proceeded with the scheduled hearing of Corey Jonas. Chairman Natvig turned the proceedings over to Hearing Officer Paul Bachand. It was stated for the record, this is the time and place for the hearing to determine whether Jonas engaged in conduct unbecoming of a reserve law enforcement officer, in violation of SDCL § 23-3-35(3), ARSD 2:01:08:06 and 2:01:11:01, based upon the allegations contained in the complaint by Chad Mosteller, Training Administrator, Law Enforcement Training.

Jonas is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. Hearing Officer Bachand advised Jonas of the hearing procedure and due process. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcription will be available upon request and tender of the cost thereof. See file for exhibits.

Members heard the opening and closing statements, witness testimony, and considered the evidence and exhibits presented by both parties. Upon conclusion of testimony, arguments by both parties, review of records, questions, and discussion, the evidentiary portion of the hearing concluded.

Members took a short break and entered into executive session on a **motion** by Commission Member Wollman, **second** by Commission Member Perry to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Ravnsborg, **second** by Commission Member Perry. Proceedings resumed before the commission. Members requested more information regarding the 2012 temporary restraining order. Hearing Officer Bachand asked legal counsel for the State, Marnette, to acquire information by 2pm. Hearing was adjourned until 2pm.

Members recessed for lunch at 12pm and reconvened at 1pm with a quorum present.

The commission proceeded with the scheduled hearing of James Flynn. Chairman Natvig turned the proceeding over to Hearing Officer Bachand. It was stated for the record, this is the time and place for the hearing to determine whether Flynn possesses the requisite minimum standards required to be employed or certified as a law enforcement officer, to wit: Flynn was employed by the Wagner Police Department as a certified law enforcement officer. About October 31, 2017, Flynn resigned due to mental health issues related to his personal life and being assaulted during an attempted arrest. On December 24, 2017, Flynn made suicidal comments, including a statement about committing "suicide by cop." As a result, law enforcement intervened, and Flynn was placed on an emergency mental health hold. Flynn signed a consent of decertification as a law enforcement officer on January 16, 2018.

Flynn is present without counsel. Kelly Marnette, Assistant Attorney General, is acting legal counsel for the State. The record will reflect a stenographic transcription of the hearing will be made and copies of the transcription will be available upon request and tender of the cost thereof. See file for exhibits.

Hearing Officer Bachand advised Flynn of the hearing procedure and due process. The hearing commenced with opening statements by counsel and continued with witness testimony, presentation of evidence and exhibits, cross-examination, and questions by commission members and the hearing officer. Upon conclusion of testimony, review of records, questions and discussion, the evidentiary portion of the hearing concluded.

Members entered executive session on a **motion** by Commission Member Ravnsborg, **second** by Commission Member Wollman to further discuss their consideration, motion **approved**.

Members moved out of executive session and back into regular session on a **motion** by Commission Member Perry, **second** by Commission Member Vitek. Proceedings resumed before the commission. **Motion** made by Commission Member Wollman to allow Mr. Flynn to become eligible for certification again, upon the successful evaluation and favorable recommendation of a mental healthcare professional of Law Enforcement Training's choosing. Further, if it's an unfavorable evaluation and unfavorable recommendation, we'd ask that the matter be rescheduled for the commission's further review and determination, **second** by Commission Member Perry. Chairman Natvig asked if staff had any recommendations on the basis, if there is a favorable recommendation from a mental healthcare professional, what would the recommendations from LET be as far as further training or requirements for full certification. Executive Secretary Mosteller advised, on the training aspect, LET would recommend the full reciprocity week. Flynn would receive mental health training, use of force training, and firearms, all in the reciprocity one-week training. On the eligibility question, if the commission does find Flynn eligible, he is automatically reinstated pending those other conditions that the commission would put on him or not on him. Commission Member Wollman agreed it would be pending that favorable evaluation and LET's request for reciprocity that Flynn would be eligible and then he would be reinstated. On the reinstatement issue, if Flynn passes (favorable recommendation from a mental health professional) to LET's satisfaction, Flynn is eligible for reinstatement and would not have to come back before the commission. Motion **amended** by Commission Member Wollman to reflect that if it is favorable, Mr. Flynn would have to complete the reciprocity week as directed by LET, **second** by Commission Member Perry. Motion **approved** by verbal response in the affirmative by all members. **Action 6-0 Aye** (Wollman, Howe, Vitek, Perry, Ravnsborg, and Allender). The hearing is concluded.

The scheduled hearing for Corey Jonas reconvened at 2 pm with a quorum present. The temporary restriction was issued in Pennington County. After review of the exhibit, discussion and questions, members retired into executive session on a **motion** by Commission Member Ravnsborg, **second** by Commission Member Wollman to further discuss their consideration, motion **approved**.

Members moved out of executive session back into regular session on **motion** by Commission Member Ravnsborg, **second** by Commission Member Perry. Proceedings resumed before members. **Motion** by Commission Member Allender to deny the revocation of Jonas' reserve certification, **second** by Commission Member Howe. Motion **approved** by verbal response in the affirmative by all members. **Action 6-0 Aye** (Wollman, Howe, Vitek, Perry, Ravnsborg, and Allender). The hearing is concluded.

Executive Secretary Mosteller presented the following reciprocity requests:

Ryan Serr, Faith Police Department, completed the 123rd 456-hour North Dakota Basic Training Program in December 2015. Serr passed the POST board test and has met all requirements for peace officer certification and is in good standing with the ND POST Board. There is no adverse action against his license. The ND Basic academy is 64-hours short of our 520-hour basic. After review of Serr's basic transcripts and continuing education records, it was recommended he attend:

- 16 hours DUI/DID;
- 8 hours Drug ID/Searches;
- 14 hours Building Searches/Active Shooter;
- 8 hours Response to Persons in Crisis; and
- 4 hours Juveniles

This would bring his total to 506-hours, the remaining hours are part of the reciprocity training week. Background check revealed no adverse information. Serr successfully completed the reciprocity exam in

December 2018, completed the January 2019 reciprocity training week, and has completed the additional recommended hours of training on February 8, 2019. **Motion** by Commission Member Allender to approve the reciprocity request for Ryan Serr, **second** by Commission Member Howe, motion **approved**.

Patrick Wolfgram, Clark Police Department. Wolfgram's license is in good standing and records show no disciplinary action taken against his license by the Minnesota POST Board. He holds an "inactive" license, which means he is not currently working as a peace officer in the State of Minnesota. Wolfgram has been inactive since June 2006. To maintain an inactive status, as opposed to "expired", Wolfgram must complete at least 48-hours of continuing education during each three-year licensing cycle. The most recent one he would have completed is the 2015-2018 renewal. The 48-hours that are required for an "inactive officer" are simply law enforcement related courses. Background check revealed no adverse information. Wolfgram successfully completed the reciprocity exam in December 2018 and completed the January 2019 reciprocity training week. Wolfgram completed the CPR requirement on February 16, 2019. **Motion** by Commission Member Perry to approve the reciprocity request for Patrick Wolfgram, **second** by Commission Member Howe, motion **approved**.

Mark Lyzenga, Sioux Falls Police Department, completed a 219-hour POST Basic Special Function Officer course in February 2016 and a 337-hour POST Basic Law Enforcement Officer course in April 2016. The special function block is five weeks of training and the law enforcement block consists of an additional ten weeks of training. To be certified in the State of Utah as a law enforcement officer, a person must complete both blocks. The two blocks together are referred to as one session. Lyzenga is currently certified in Utah as a law enforcement officer and is in good standing. Lyzenga was employed with the Sandy City Police Department from December 2015 to February 2019. Background check revealed no adverse information. Lyzenga successfully completed the reciprocity exam in March 2019 and is scheduled to attend the April 2019 reciprocity training week. **Motion** by Commission Member Allender to approve the reciprocity request contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Howe, motion **approved**.

Trevor Mishler, Sisseton Police Department, completed the Law Enforcement Program at Alexandria Tech in May 2017. Mishler passed the Minnesota POST Exam and completed the POST Board exam requirements in July 2018 and is eligible for a peace officer license. Background conducted revealed no adverse information. Mishler successfully completed the reciprocity exam in March 2019 and is scheduled to attend the April 2019 reciprocity training week. **Motion** by Commission Member Perry to approve the reciprocity request contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Vitek, motion **approved**.

Jordan Danielson, Aberdeen Police Department, completed the Minnesota POST Board's examination requirements in June 2017, and is eligible for a peace officer license. Danielson completed the Professional Peace Officer Program Academic portion at Halim University and completed the Professional Peace Officer Program Skills at Hennepin Technical College. Danielson received a waiver, attended the Criminal and Traffic portions of the basic training, and fulfilled requirements for the North Dakota Peace Officers Standards. Danielson has a full-time general license and is in good standing with the ND POST Board. There has been no adverse action against her license. Background check revealed no adverse information. Danielson successfully completed the reciprocity exam in March 2019 and is scheduled to attend the April 2019 reciprocity training week. **Motion** by Commission Member Wollman to approve the reciprocity request contingent upon the successful completion of the reciprocity training week, **second** by Commission Member Howe, motion **approved**.

The following canine teams have met requirements of certification or recertification:

- Canine Team **Andrew Steen and K9 Thor**, SD Highway Patrol, have met the requirements for

Drug Dog Detection certification on October 26, 2018.

- Canine Team **Michael Dale and K9 Raica**, SD Highway Patrol, have met the requirements for Explosive Detection certification on December 20, 2018.
- Canine Team **Garrett Bruhn and K9 Tommy**, Sioux Falls Police Department, have met the requirements for Patrol Dog certification on December 21, 2018.
- Canine Team **Manuel Langstraat and K9 Arras**, Brookings County Sheriff's Office, have met the requirements for Patrol Dog certification on December 21, 2018.
- Canine Team **Grant VanVoorst and K9 Doerak**, Sioux Falls Police Department, have met the requirements for Patrol Dog certification on December 21, 2018.
- Canine Team **Cody Nachreiner and K9 Spike**, Sioux Falls Police Department, have met the requirements for Patrol Dog certification on December 21, 2018.
- Canine Team **Kyler Pekerak and K9 Reno**, Yankton Police Department, have met the requirements for Patrol Dog certification on December 21, 2018.
- Canine Team **Patrick Nolz and K9 Max**, Yankton Police Department, have met the requirements for Patrol Dog certification on December 20, 2018.
- Canine Team **Matt Oxner and K9 Koda**, SD Highway Patrol, have met the requirements for Drug Dog Detection certification on November 15, 2018.
- Canine Team **Paul Sheldon and K9 Mack**, Jerauld County Sheriff's Office, have met the requirements for Drug Dog Detection certification on February 7, 2019.

Motion by Commission Member Ravnsborg to approve the canine certification listing as presented by the Executive Secretary, **second** by Commission Member Allender, motion **approved**.

Waylon Eckert, Law Enforcement Training, briefed members reference LET's Lidar/Radar policy. Radar and Lidar training is combined into one course. The training is re-designed to ensure it meets the minimum NHTSA recommendations. The current curriculum has been updated to make it more South Dakota specific.

- Basic students will receive eight hours of classroom training as part of the basic certification course. However, classroom training only is not enough to meet the recommended standard of trained or qualified;
- An officer's agency will conduct the 32-hours of field training. Law Enforcement training will assist agencies that are unable to conduct the field training;
- The written exam passing score has been changed from 70% to 80% to successfully complete the course;
- Exams can be hard copy or online testing is available;
- Initial instructor training will be provided annually. Instructor update classes will be conducted as needed;
- Materials, student and instructor, can be requested from Law Enforcement Training or uploaded on the Law Enforcement Training website;
- Not issuing statewide certification; and
- When instructors have completed the 32-hour field training and have received Radar/Lidar certification, there are no continuation requirements unless required by their agency.

The 2019 legislature brought about an amount of discussion regarding sexual harassment and to mandate

harassment training within the legislature and for lawmakers. Introduction of a bill was defeated. Attorney General Ravnsborg is being proactive and indicated it would be a good idea for the Standards and Training Commission to take the sexual harassment training. **Motion** by Commission Member Ravnsborg to have commission members take a sexual harassment class and provide a certificate to Law Enforcement Training, training would be required every other year (every odd year) and completed by December 31st. A link will be available for the training, **second** by Commission Allender, motion **approved**.

The following items of business were for information only and did not require commission action by members:

A Consent of Decertification form was received from:

- **Jerry Davidson**, former Whitewood Police Department Chief of Police; and
- **Korey Ware**, newly elected Roberts County Sheriff.

There being no further business to come before the meeting body, the meeting was adjourned on a **motion** by Commission Member Perry, **second** by Commission Member Wollman, motion **carried**.